

sudden provocation, or in sudden combat, shall be deemed manslaughter in the second degree.

SEC. 3. Section thirty-four of said chapter is amended so as to read as follows :

Punishment for
an assault with
intent to kill

If any person, being armed with a dangerous weapon, shall assault another with intent to rob, or to murder, or to do great bodily harm, he shall be punished by imprisonment in the State prison not more than five years nor less than one year.

Previous offence
n.t. to be affected

SEC. 4. No offence committed and no penalty incurred previous to the passage of this act, shall be affected thereby ; but the provisions amended by the foregoing sections, as they existed before such amendments, shall be in force and apply thereto, and control any judgment to be pronounced thereon.

SEC. 5. This act shall take effect in thirty days after its passage.

Approved February 24th, 1862.

CHAPTER XV.

An Act to Amend Sections Forty-three and Forty-four of Chapter Sixty-one (61) of the Compiled Statutes, Relating to Special Terms and Trials by the District Courts.

- SECTION 1. Amendment to section 43. Court to be open for the transaction of *ex parte* business—when.
2. Amendment to section 44. Judges may appoint special terms in any county in their respective districts.
3. Repeal of former acts.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section forty-three of chapter sixty-one of the compiled statutes be amended so as to read as follows :

Sec. 43. In addition to the general terms of the district courts of this State, the said court shall be always open for the transaction of all *ex parte* business, and for the entry of judgments, and the entry of orders of course, and all such other orders as shall have been granted by the court, and for the hearing and determination of any matter brought before the court by an order to show cause. And the judges of the several district courts shall by order appoint such special terms of the court in any or all of the counties of their respective districts as shall be necessary for the convenient transaction of the law business therein. And the said courts at any general term, or at any such special term in any county, may do any act or thing which may at any time be done by the court; may try any issue of law and may hear and determine any and all applications, motions, matters and questions that may be heard and determined at any time by the court, except the trial of issues of fact, which may be pending in such court or arise in any action or proceeding in any of the several counties of the same judicial district in which the county is situated, where such term of the court is being held, as fully and effectually to all intents and purposes as if the same was done at a general term in the county where the action or proceeding is pending; and when any matter shall have been heard by the court, the decision may be made out of term; and such decision may be an order or a direction that an order or judgment be entered; and upon filing in the office of the clerk in the county where the action or proceeding is pending, the decision in writing signed by the judge, an order or judgment as the case may require, if any, shall be entered by such clerk, in conformity with such decision, and with the same force and effect as if the same was done in open court at term in the same county. When any application, motion, matter or question shall be decided by the court out of the county where the action or proceeding is pending, whether the same be announced at term or not, such decision of the court must be immediately reduced to writing and signed by the judge holding the court, and be by him remitted to and filed in the office of the clerk in the county where the action is pending. Such decision may be itself an order, or a direction that an order or judgment be entered.

When court to be open for transaction of business

SEC. 2. That section forty-four of said chapter sixty-one be amended so as to read as follows:

SEC. 44. The judges of the several district courts may appoint special terms in any county of the respective judicial district for the transaction of the business mentioned in the preceding section by causing an order appointing such term to be entered upon the court journal of the same county, and causing a copy of such order to be posted in the office of the clerk of the court in such county for three successive weeks prior to the time of holding the same. The said district courts may at any time make orders upon a party or parties to show cause before the court, why the relief specified therein should not be granted, and may hear the questions arising thereon at the time and place appointed in such order, whether in term or not, and determine the same, in the same manner and as full and effectually as if at general term. And when special terms shall not have been appointed in any county, and in all cases where the rights of parties demand immediate action, any of said district courts may, in and by an order to show cause, appoint a time and place within their respective districts for the hearing of any particular matter embraced in the last preceding section, and at the time and place appointed may hear the same, and shall make and file the decision in like manner and with with the same force and effect as provided in the last preceding section in other cases.

Judges may ap-
point special
terms

Repeal of former
acts

SEC. 3. All acts or parts of acts inconsistent with this act be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 1st, 1862.